IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26773 of 2007(K)

AGAINST THE ORDER IN EP 354/06 IN
OS.381/2002 of MUNSIFF COURT, PARAVUR

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PETITIONER:

S.BALAKRISHNAN, 301, PRASANNA VIHAR, MARAINE DRIVE, ERNAKULAM

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS:

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1. ANANDA KRISHNA CHETTIAR, MAMMUTTI PARAMBIL, KEDAMANGALAM KARA, PARAVOOR.

2. K.S.SASI KUMAR, KUTTAKKARA, KAITHARAM, PARAVOOR.
3.HARI KUMAR, S/O.MUKUNDAN, MADAVANIVAS, KAITHARAM, PARAVOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 7/9/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.26773 OF 2007

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Dated this the 7th day of September 2007

JUDGMENT

This writ petition is filed to adjourn the sale posted to 10.9.2007 by Ext.P4. It is the contention of the petitioner that the property proposed to be sold in question on 10.9.2007 cannot be sold and that he has come to know about the same only recently and thereafter he is making immediate arrangements for filing a claim application under Order XXI Rule 58 C.P.C. and to stay further proceedings in the execution petition. It is submitted by the counsel for the petitioner that if the sale is conducted on 10.9.2007, it will cause great hardship to him. Therefore the sale posted to 10.9.2007 is deferred. In paragraph 4 of the writ petition, it is also stated that he is even prepared to produce the bank guarantee for the decree amount. There appears to be bona fides in the approach.

I, therefore, direct the court below to defer the sale posted to 10.9.2007 by 3 weeks and in the meanwhile petitioner, if so advised, can

file a claim application to obtain appropriate orders.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-